

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 07-0080
)	
Mitchel Kalmanson,)	
and)	
Worldwide Exotic)	
Animal Talent Agency, LLC,)	
)	
Respondents)	Consent Decision and Order

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service ("APHIS"), United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Mitchel Kalmanson, hereinafter referred to as a respondent, is an individual whose address is P.O. Box 940008, Maitland, FL 32794.

2. Worldwide Exotic Animal Talent Agency, LLC hereafter referred to as a respondent is a limited liability company organized under the laws of State of Florida. At all times material herein Worldwide Exotic Animal Talent Agency, LLC was owned, operated and controlled by Mitchel Kalmanson.

3. The respondents, at all times material hereto, were operating as an exhibitor as defined in the Act and the regulations.

Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist and continue to refrain from violating the Act and the regulations issued thereunder, and in particular, shall cease and desist from:

(a) Failing during a public exhibition to maintain a sufficient distance or barrier between animals and the general

viewing public, and have an identifiable employee or attendant present during periods that animals are in contact with the public or will come into contact with the public;

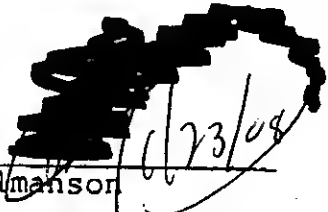
(b) Failing to provide adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia of animals including but not limited to an adequate method for capturing an escaped tiger; and


(c) Failing to utilize a sufficient number of adequately trained employees to maintain the professionally acceptable level of husbandry practices set forth in the Act, regulations and standards issued pursuant to the Act including but not limited to a sufficient number of employees to prevent the escape of animals and to utilize appropriate means to capture escaped animals.


2. The respondents are jointly and severally assessed a civil penalty of \$6,000, which shall be paid by a certified check or money order made payable to the Treasurer of United States which shall be sent to Sharlene Deskens, USDA OGC Marketing Division, Mail Stop 1417, 1400 Independence Ave., S.W., Washington, D.C. 20250-1417. The respondents' license was renewed on July 20, 2007. The respondents' license cannot be renewed until the civil penalty is paid in full.

The provisions of this order shall become effective on the first day after service of this decision on the respondents.


Copies of this decision shall be served upon the parties.


Mitchel Kalmanson
Respondent
for himself and for
World Wide Exotics
Animal Talent Agency, LLC


T. W. Ackert
Attorney for
Respondents


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 1 day of Feb 2008


Jill S. Clifton
Administrative Law Judge

JSC